

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5159**

**September Term, 2010**  
FILED ON: SEPTEMBER 6, 2011

AMERICAN CIVIL LIBERTIES UNION AND AMERICAN CIVIL LIBERTIES UNION FOUNDATION,  
APPELLANTS/CROSS-APPELLEE

v.

UNITED STATES DEPARTMENT OF JUSTICE,  
APPELLEE/CROSS-APPELLANTS

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Consolidated with 10-5167

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Appeals from the United States District Court  
for the District of Columbia  
(No. 1:08-cv-01157)

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Before: GINSBURG and GARLAND, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*

**JUDGMENT**

These causes came on to be heard on the record on appeal from the United States District Court for the District of Columbia and were argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in these causes is hereby affirmed in part, vacated in part, and the case is remanded, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:

/s/  
Jennifer M. Clark  
Deputy Clerk

Date: September 6, 2011

Opinion for the court filed by Circuit Judge Garland.